

REMARKS

The Applicants hereby submit this Amendment and Request For Reconsideration in response to the Office Action mailed on 21 November 2006 for the subject application.

The present application was filed with claims 1-33. In the amendment of 25 August 2006, the Applicants amended claims 1, 15, and 26 and added new claims 34-38. In the present Amendment, claims 1-5, 8, 15, 19, 26-29, and 37 have been amended; no claims have been added or canceled. Therefore, claims 1-38 as amended are currently pending in the present application. By this amendment, no new matter has been entered. The added limitations are fully supported in the present application as originally filed.

The Applicants respectfully request the entry of this Amendment and reconsideration of the claims as amended. The Applicants respectfully acknowledge that entry of an amendment after final rejection is not entitled as a matter of right. However, such Amendment does not present any new issues for examination and is not a substantial burden on the Examiner. For example, the amended limitations to claim 1 merely incorporate the already-considered and searched limitations of previous dependent claim 3, and provide for further clarification of existing limitations. Similarly, the amended limitations to independent claims 15 and 26 incorporate the already-considered and searched limitations of previous dependent claim 3, which are also similar to those already-considered and searched limitations of dependent claim 35. Independent claim 34 remains unamended, as it is allowable over the prior art of record without amendment.

In the Office Action of 21 November 2006, the Examiner rejected claims of the present application under 35 U.S.C. § 102(e) as being anticipated by Ryan et al. (US 2004/0095903). In response, the Applicants respectfully submit that the claims as amended are allowable over the prior art for at least the following reasons.

In order for claims to be properly rejected under 35 U.S.C. § 102(e), the prior art must teach or suggest each and every limitation of the claims. In the present case, the prior art of record fails to teach or suggest every limitation of the present claims.

For one, Ryan et al. and the remaining prior art of record fail to teach or suggest the steps of “receiving, through a user interface of the mobile communication device, a voice call request for initiating a voice call from mobile communication device while the mobile communication device is engaged in a connected data communication service via a wireless communication network” and “in response to receiving the voice call request: causing a traffic channel between the mobile communication device and the wireless communication network for the connected data communication service to be torn down.” Such limitations are explicitly provided for in claims 1-33 as amended.

In the Office Action, the Examiner rejected previous dependent claim 3 (the limitations of which are now incorporated in claims 1-33) by citing to page 1 at paragraph 14 of Ryan et al. There, it is stated that:

The base station handles the radio interface to the mobile station. The base station includes the radio equipment (transceivers, antennas, amplifiers, etc.) needed to service each communication cell in the system. A group of base stations is controlled by a base station controller. Thus, the base station controller operates in conjunction with the base station as part of the base station subsystem to provide the mobile station with real-time voice, data, and multimedia services (e.g., a call).

As apparent, the reference to the above paragraph by the Examiner concerns *a radio interface with a base station* and not *a user interface* of a mobile communication device.

One ordinarily skilled in the art would readily appreciate the difference between a user interface and a radio interface with a base station. Specifically, a radio interface with a base station is not a user interface of a mobile communication device, and to broadly interpret a user interface to be the same as a radio interface with a base station would be unreasonable. Thus, Ryan et al. fail to teach or suggest such limitation.

In addition, the recited techniques in claims 1-33 are not similar to or obvious in view of Ryan et al. In Ryan et al., the concern and focus is on the receipt of an incoming page from the base station while the end user is involved in and preoccupied with a streaming session. On page 1 at lines 5 and 13 of paragraph 10, it is stated that such streaming session may be “e.g. a real-time video” with which the user is engaged. Also, the user may be “either downloading or uploading images and/or files” for the streaming session (see e.g. page 2 in paragraph 20). At these times, the user in Ryan et al. would not appear to be in any position to place any voice call. Even if the user were in such a position, there is no indication in Ryan et al. of any problem of placing a voice call. In Ryan et al, there is no stated problem or concern for the user himself/herself to initiate any voice calls from the mobile device. Thus, there is no suggestion that the techniques of Ryan et al. may be performed in connection with any voice call request received via a user interface of a mobile device from an end user.

Other reasons for the allowability of claims 1-33 over the prior art are apparent to those of ordinary skill in the art, and are not outlined herein due to the sufficient reasons for allowability already provided above.

Further, with respect to claims 34-38 and other dependent claims of the present application, the prior art of record fails to teach or suggest the steps of “in response to receiving the voice call request for the voice call involving the mobile communication device: causing the traffic channel for the connected data communication service to be torn down without terminating the PPP session; and causing the voice call involving the

mobile communication device to be established and maintained while the PPP session for the data communication service is maintained.” Relatedly, the prior art of record fails to teach or suggest a connected data communication service being entered into a “dormant state” upon tearing down the traffic channel for the service. The term “dormant state” is a term of art which is well-understood by those ordinarily skilled in the field (see e.g. page 1 at lines 26-32 through page 2 at lines 1-4).

In Ryan et al., there are no explicit teachings regarding the connections and sessions (e.g. PPP sessions) established for the data service with the mobile device. In any event, Ryan et al. fail to teach or suggest that an IP connection or PPP session is maintained after termination of the traffic channel of the connected data service. If the Examiner is relying on any inherency in the teachings of Ryan et al. for these limitations, the Examiner has failed to articulate reasons why such limitations are necessarily present in such teachings of Ryan et al.

The Applicants respectfully submit that such teachings are not explicit nor inherent in Ryan et al. Clearly in Ryan et al., it is stated on page 3 in paragraph 21 that “the mobile station 160 may terminate the streaming service 410 to establish the incoming voice call via the traffic channel.” To one ordinarily skilled in the art, this statement would mean that the entire service is terminated, including any sessions that may have been previously established. In contrast, the present techniques involve “causing the traffic channel for the connected data communication service to be torn down without terminating the PPP session.” The same arguments stand true for the limitations regarding the connected data communication service being entered into a “dormant state” upon tearing down the traffic channel for the service.

Other reasons for the allowability of claims 34-38 (and other dependent claims of the application) over the prior art are apparent to those of ordinary skill in the art, and are not outlined herein due to the sufficient reasons for allowability already provided above.

Since the prior art of record fails to teach or suggest each and every limitation of the claims, the rejections under 35 U.S.C. § 102(e) fail and the claims are allowable over the prior art.

The Applicants respectfully request the Examiner to enter the amendment, withdraw the § 102(e) rejections, and allow all of the pending claims. Again, the Applicants respectfully submit that the pending claims are allowable over the prior art of record and the application is in a condition suitable for allowance.

Thank you. Please feel free to contact the undersigned if it would expedite prosecution of the application.

Respectfully Submitted,

/John J. Oskorep/

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